Supreme Court, U.S.
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(2)

No. 01-1009

In The

Supreme Court of the United States

ROBERT JOSEPH MAY,

Petitioner,

v.

DESIREE LUANA DOUGLASS,

Respondent.

On Petition For Writ Of Certiorari To The Supreme Court Of The State Of Washington

BRIEF IN OPPOSITION

DESIREE DOUGLASS
2404 Mill Avenue
Bellingham, WA 98225
(360) 756-6960

Respondent Pro Se

2588

PARTIES TO THIS PROCEEDING

Parties to this proceeding include the following persons:

Robert May
Petitioner
P.O. Box 893
Riddle, OR
(541) 874-3664

Desiree Douglass
Respondent
2404 Mill Avenue
Bellingham, WA 98225
(360) 756-6960

Renee Ewalt, Attorney at Law
Appointed Guardian ad Litem
2116 SW 120th Street
Seattle, WA 98146
(206) 242-9822

Please note that Petitioner did not include Ms. Renee Ewalt, Court-Appointed Guardian ad Litem, to the list of Parties, however, per the King County Superior Court Order Appointing GAL, dated February 27, 2001, Ms. Ewalt is a party to this proceeding. The Petitioner should have notified the GAL of this proceeding per the Order Appointing GAL dated 2/27/01.

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RESPONDENT'S STATEMENT OF THE CASE

Desiree Douglass is the Respondent in this United States Supreme Court action initiated by Petitioner. I am the natural mother of Dominick Emil May-Douglass. I respectfully ask the United States Supreme Court to deny Petitioner's Petition for Writ of Certiorari.

This is a case of the Court correctly intervening to protect Dominick Emil May Douglass's safety, well-being and best interest. The Petitioner has a long history of domestic abuse towards his wives and his children and is unwilling to address the severity of his problems through the steps laid out by the Washington State Courts.

The Supreme Court of the State of Washington's Order Denying Motion for Discretionary Review (July 26, 2001, found at Petitioner's Appendix A4-A5) was correct. (The State of Washington Court of Appeals, Division I Order Denying Motion to Modify (May 9, 2001 found at Petitioner's Appendix page A6) and the State of Washington Court of Appeals, Division I Order Denying Discretionary Review (March 12, 2001 found at Petitioner's Appendix page A7-A10) were appropriate rulings.

The Courts of the State of Washington (Court of Appeals Division 1 and King County Superior Court) have repeatedly laid out the clear steps that Petitioner should take to resolve his issues and to reinstate visitation. The Court's requirements of Petitioner are specifically ordered to protect our child, Dominick Emil May-Douglass from any harm, mental, emotional or physical, that could occur as a result of Petitioner's unresolved issues with anger and control. The steps include completing anger therapy, providing documentation and paying

the court-appointed Guardian ad Litem so that she can review the anger therapy (for adequacy and compliance with the Washington State anger management certification requirements) and make a written recommendation to the Court for appropriate visitation. The State of Washington Courts have the proper responsibility to order these requirements under RCW 26.09.260(1)(4) and (9).

Requirements for Petitioner's anger therapy treatment and for a court-appointed Guardian ad Litem were included in the Final Parent Plan Orders and Order Appointing Guardian ad Litem, issued in September 1995 by the King County Superior Court (Order found at Petitioner's Appendix pages A24-40 and A41-44).

Petitioner was dismissed without progress from the Veteran's Administration Anger Management program in Seattle, WA in December 1996. Petitioner did not reenter an anger management program again for three years (summer of 2000), and then apparently attended for a period of 1-3 months (unclear from records provided). State of Washington has specific requirements for anger management/domestic abuse counseling such as mandatory physical attendance for a minimum of one year; collateral contact between counselor and last domestic violence victim, etc. The requirement for a GAL in this case is exactly to review the anger therapy for compliance with these requirements for the Court for the protection of Dominick. Petitioner is a graduate of University of Washington School of Law and is fully aware of the role of a GAL. The Final Parent Plan orders' requirements for anger therapy and GAL review are to ensure that Dominick's rights to safety are protected, especially in light of Petitioner's documented history of domestic violence.

The May 19, 1997 King County Superior Court Order (found at Petitioner's Appendix pages A21-A23) did not deprive Petitioner of the care, custody and companionship of Dominick Emil May-Douglass for over four years and without good cause or in contravention of the Revised Code of Washington 26.09, the law of the case or Washington Case Law or the constitution of the United States. The May 19, 1997 Order did not improperly and unlawfully deprive Petitioner of his parental rights or his constitutional rights.

The May 19, 1997 Order and the August 4, 1997 Order did not overturn the trial court Parent Plan Order, Findings of Fact and Conclusions of Law, or Order Appointing Guardian ad Litem (September 19, 1995). The May 19, 1997 order found Petitioner in Contempt of Court based on his failure to complete therapy/counseling for anger/control issues; his willful and intentional refusal to return Dominick to his mother on time; and his willful, intentional refusal to cooperate with the Court-appointed Intermediary, Common Ground. The May 19, 1997 ruling was not in error and did establish the facts upon which the finding of Contempt was made. The Court ruled under RCW 26.09.191(3), which directs the Court to protect the safety, well-being and interests of the child and the temporary suspension of visitation was ordered.

Evidence presented in that hearing and in subsequent hearings in June 1997, August 1997, and before Commissioner Bradburn-Johnson, Judge Armstrong in January, February and March 2000 and before Judge Scott in November 2000 (Found in Petitioner's Appendix at pages A11-A14) showed that Petitioner willfully and

intentionally refused to cooperate with the Intermediary Service Common Ground, and willfully refused to return the child Dominick Emil May-Douglass to Common Ground at the Court-ordered time, keeping him out of state against the Parent Plan Orders. This material included affidavits from Common Ground, the intermediary, police reports, etc. The Court was correct in finding that Petitioner willfully and intentionally refused to return Dominick on time; willfully and intentionally refused to cooperate with Common Ground and refused to participate in therapy/counseling for anger/abuse problems. The Court reviewed numerous exhibits including police reports, declarations by the Court-Appointed Intermediary Common Ground, Veterans Administration Domestic Violence Program and others. These Exhibits documented Petitioner's ongoing abusive behaviors toward his former wives, children and Respondent in this case. They also documented the ongoing risk of Petitioner absconding with Dominick (Filed in The Supreme Court of the State of Washington under case No. 71145-3, Appendix 4, Declaration of Desiree Douglass Attaching Exhibits, dated October 27, 2000, Exhibits 5, 6, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 45, 46, 48, 49, 50, 51, and 53).

The King County Superior Court February 27, 2001 Orders Appointing Guardian ad Litem (Found in Respondent's Appendix pages A1) and February 27, 2001 Order Denying Motion to Reinstate Parent Plan and June 21, 2001 Ruling by King County Superior Court Judge Barnett Denying Revision and Reconsideration do not continue to deny Petitioner's parental rights or unlawfully suspend Petitioner's visitation schedule. These orders

established a new Guardian ad Litem in the case so that a new GAL review and recommendation could be prepared for the case. The Guardian ad litem fees are appropriate at $3,000 for the following reasons:

1. Petitioner's refusal to pay the first Guardian ad litem, Don Layton, the court-ordered Guardian ad litem fees of nearly $1,300 for work already performed by the Guardian ad litem (King County Superior Court Order dated September 19, 1995). Petitioner subsequently discharged this debt and $10,000 of legal fees awarded to Desiree Douglass (mother) in bankruptcy proceedings filed several years later;

2. Petitioner's refusal to pay Caroline Davis (second appointed GAL) the required retainer for 2.5 years. Petitioner writes to the Court-Appointed GAL Caroline Davis in a letter dated June 24, 1997: (CAPS in original letter) (Filed in The Supreme Court of the State of Washington under case No. 71145-3, Appendix 4, Declaration of Desiree Douglass Attaching Exhibits, dated October 27, 2000, Exhibit 11).

   June 24, 1997

   To: CAROLINE D. DAVIS, ATTORNEY AT LAW, COURT APPOINTED GUARDIAN AD LITEM

   From: Robert May

   PLEASE TAKE CAREFUL NOTICE: I SHALL NOT BE RESPONSIBLE FOR ANY EXPENSES YOU INCUR IN THIS ACTION. IF YOU APPEAR, I WILL NOT BE RESPONSIBLEYOU'RE YOUR EXPENSES. WE HAVE NO CONTRACT AND WE HAVE NO AGREEMENT. I AM ONT ORDERED TO RETAIN YOU. YOUR FEES ARE BEYOND THE SCOPE OF THE COURT ORDER. THE NEED FOR YOUR SERVICES IS THE SUBJECT OF AN APPEAL. THEAN YOU FOR YOU INTEREST. YOU WILL CONTINUE TO RECEIVE NOTICE

UNLESS YOU ADVISE ME YOU ARE WITHDRAWING. THIS IS A "HIGH CONFLICT" CASE WITH NEARLY EIGHT VOLUMES. I EXPECT IT WILL BE MANY MORE BEFORE THIS COMES TO FINAL ADJUDICATION. I ADVISE THIS ONLY TO MAKE YOU AWARE OF THE MAGNITUDE OF THIS CONFLICT. THE $1800.00 RETAINER FEE WILL VAPORIZE. NEITHER OF US CAN AFFORD $120.00 PER HOUR. Robert J. May, Esq.

3. Court has ordered that Petitioner pay the entire retainer with 50% of the retainer ($1,500) to be set as credit for Petitioner's child support arrears (now well over $10,000 in arrears).

Petitioner's refusal to pay the Guardian ad Litems for work performed or for retainers required is the very reason that the last three GALs appointed to this case by the King County Superior Court have been unable to perform their duties in the case. Petitioner's visitation has been suspended for over four years because he has refused to complete and show evidence of completion of counseling in anger/control/domestic abuse issues in a program with requirements that match the Washington State requirement for Domestic Abuse programs (i.e. minimum of year attendance; collateral contact between counselor and victim, etc.) and Petitioner has continued to refuse to pay the appointed Guardian ad Litem's (Caroline Davis (appointed 1997 to 1999) and Renee Ewalt (appointed 2001), the required retainer. Petitioner still refuses to pay Renee Ewalt, the Guardian ad Litem that he selected, the required retainer. That the Petitioner disagrees with the Court's order appointing a GAL and refuses to pay her retainer is not a violation of his Constitutional Rights.

As an example of Petitioner's motivation and state of mind in regard to Respondent, see below verbatim e-mail sent by Petitioner to Respondent and Respondent's counsel at the time on February 5, 2001. (Filed in Supreme Court of State of Washington under case No. 71145-3, Response to Petition for Discretionary Review dated June 30, 2001, Appendix 6). In this e-mail, Petitioner writes: (italics and bold from the original electronic mail letter).

> *Re: Ms. Douglass to enter appearance, terminate representation, GAL 2/5/01 6:32:51 pm Central Standard Time from: cougarmay@hotmail.com* (RJM)
> to: *andrekita@aol.com* and *todesiree@aol.com*
>
> Dear Ms. Silva (and Ms. Douglass)
>
> " . . . I suppose this message is a precursor to more intense litigation. That is too bad, yet it is to be expected. More litigation, no matter how characterized, really had no further affect on me and my resolve. I consider it hurts my child, but so would no litigation as Douglass will not settle or concede! My child and his best interests are at stake. Douglass' actions are detrimental to the mental health and development of my son. Douglass no longer interests me. Her selfish nature is not my concern. Her claims and her case have little relevance to the issues . . . Can the piles of declaratory evidence presented standup to real scrutiny and timely objections with the intent to pursue any objection to final adjudication? We shall see?
>
> Douglass has had her way for sometime to the detriment of my youngest child. Do you see the detriment? Forget the attorney persona in which you are entitled to cloak and protect your real self. Do you see the detriment? It is not that difficult! If you can

not get past the attorney persona or you have come to believe the tripe Douglass cuts out and serves up, then I guess your vision depends upon a further finding of fact and what the real, substantive evidence to be presented before the courts.

The evidence is repeated and piled as high as 14 court volumes. No one, not any newly appointed GAL or you as her attorney will completely read . . . if my guess is correct. What happens goes from this moment forward. Ultimately, I will prevail. If you believe otherwise, my assessment of your skills may have to be reconsidered. A negotiated peace (truce) seems the best choice at this moment. I consider this email and its content negotiation to resolve the issues. Being that this is negotiation for settlement, as was my prior emails, I begin to expect response to the negotiation. As I consider this email negotiation, I consider it as protected. I hope my meaning here is clear to the legally learned.

Sincerely, Bob

This case is not about Petitioner's love for Dominick and his wish to participate in a wholesome way in Dominick's life. Per the numerous Washington State Court's orders, all Petitioner has to do to cure the contempt is show substantial progress in anger therapy and pay the GAL to review the progress in therapy and the case and make a recommendation to the Court for appropriate visitation, per the September 1995 Final Parent Plan Orders. Petitioner's refusal to participate in therapy for 3 years and refusal to pay Caroline Davis (GAL) for 2.5 years, his refusal to pay the retainer to the new GAL, Renee Ewalt since her appointment on February 27, 2001, and his refusal to provide any financial support to

Dominick all clearly show his lack of interest in Dominick's well-being. Dominick has received no support from Petitioner since January 1999 and the arrears child support is now well over $10,000.

Please note in the record the following errors in Petitioner's Petition:

1. At page i Petitioner uses the term "indefinitely suspends". Petitioner's visitation was "temporarily suspended" pending Petitioner's completion of court requirements.

2. At page 4 of Petition, Petitioner states "Family Law Court . . . granted respondent's modification of the parent plan order". Respondent did not file a "motion for modification of parent plan" but simply moved the court to be allowed to move from the Seattle area. Such a move was allowed by the Final Parent Plan Orders, dated September 1995, with written court permission. Respondent sought and was granted court permission.

3. At page 6 of Petition, Petitioner states "Respondent's fifth of six interstate moves and ninth residential moves". Petitioner has included every work-related trip of any duration to greatly exaggerate.

4. At page 8 of Petition, Petitioner states "Respondent then through court action opposed appointed of petitioner selected GAL candidate." Respondent opposed Renee Ewalt in June 2000 because she was not on the list of five GALs identified in the Court's orders to be considered as GAL for this case. Joan Ward, who was on the list was appointed and then resigned due to conflict of interest (presumably related to the Petitioner's Attorney of Record at the time, Brianna Cozetti Clark). After Joan Ward's resignation, Respondent accepted the appointment of Ms. Renee Ewalt

without objection. Petitioner has still refused to pay the retainer fee to his own selected GAL, Renee Ewalt.

5. At page 18 of Petition, Petitioner states "Two of these appointments were opposed by respondent without good cause . . . " I have only objected to two appointments for good cause. Once to a GAL who disclosed in writing to the parties that he was an aquaintance of the Petitioner during their years at the University of Washington Law School and that this could potentially result in a conflict of interest. While I had no objection to the GAL for personal or legal reasons, due to his own disclosure it seemed appropriate that he not serve as GAL. The other objection was simply because the Petitioner's chosen GAL was not on the court-selected list of GALs for this case.

RESPONDENT'S ARGUMENT

1. The Family Law Parent Plan Order has not been modified at all since it was issued in 1995.

   a. The Parent Plan Order required that Petitioner complete therapy/counseling for anger and control issues. The Court has upheld this requirement, despite numerous motions by Petitioner to reinstate visitation without meeting this requirement. The Court ordered therapy to protect Dominick from Petitioner's problem with anger and abuse.

   b. The 1995 Parent Plan Order did require the use of an Intermediary to facilitate visitation exchanges for a period of 18 months after trial. In October 1996, the Court issued a Permanent Protection Order to protect Desiree Douglass from further incidents of domestic abuse, stalking and harassment by Petitioner. The need for an Intermediary

to facilitate visitation will also be permanent. Petitioner has filed numerous motions to vacate the protection order and the Court has consistently upheld the protection order. Judge Scott's ruling dated November 14, 2000 is only the most recent of the orders upholding the Permanent Protection Order. Petitioner's 20-year history of domestic abuse against his wives and children and threatening, stalking and harassment against myself makes the permanent protection order and the permanent use of an intermediary necessary.

c. The Parent Plan Order required that the custodial parent, Desiree Douglass, seek Court permission to move from the Seattle area. Petitioner moved to the State of Oregon in the fall of 1996. In the summer of 1997, Desiree Douglass properly sought and was granted permission by the Court to move from the State of Washington on August 4, 1997.

2. The Contempt is Curable. Per orders May 19, 1997, June 20th 1997 and August 4, 1997 and of Commissioner Bradburn-Johnson on 1/28/00, Judge Armstrong on 2/25/00 and 3/23/00 and Judge Steven Scott on November 14, 2001, contempt is curable by Petitioner following the Superior Court's orders to:

   a. Show documented progress in anger management;

   b. Have Guardian ad Litem appointed;

   c. Pay GAL retainer;

   d. Cooperate with GAL so they can investigate and prepare report with recommendations regarding appropriate visitation for Court review.

3. The May 19, 1997 Order is not unconstitutionally depriving Petitioner of the society of Dominick Emil

May-Douglass. The order correctly protects Dominick's right to a childhood without abuse, mistreatment or being absconded from his mother. Under RCW 26.09.191(3) Dominick's right to be protected supersedes Petitioner's right to his company. The court has provided the clear way for Petitioner to sincerely address his problem with abuse and anger.

4. Petitioner's Motion for Discretionary Review in the Court of Appeals did not meet the criteria for acceptance of review under RAP 2.3(b). Per RAP 2.3(b) Discretionary Review will be accepted only if: 1) The Superior Court has committed an obvious error which would render further proceedings useless; or substantially alters the status quo or substantially limits the freedom of a party to act. Or 2) If the Superior Court has so far departed from the accepted and usual course of judicial proceedings or so far sanctioned such a departure by an inferior court or administrative agency, as to call for review by the appellate court.

None of these criteria apply. The Superior Court of King County did not commit obvious errors which interferes with Petitioner's constitutional rights nor renders further proceedings useless. Petitioner's freedom to act is not substantially limited. The Court has clearly outlined the steps of action that Petitioner should take and he has yet to take them to cure the contempt. The court has not departed from the usual course of judicial proceedings. It has acted properly under RCW 26.09.191(3) to protect Dominick.

5. Petitioner's Motion for Discretionary Review in the Supreme Court of the State of Washington did not meet the criteria for acceptance of review under RAP Title 13. The standards for review for a Supreme

Court of the State of Washington Discretionary Review are "prevention of gross miscarriage of justice" and "extraordinary circumstances". Petitioner's Motion for Discretionary Review fails on both standards. There is no gross miscarriage of justice. The King County Superior Court is properly clear and steadfast in its requirements of Petitioner to complete counseling and pay and cooperate with the court-appointed GAL review and make written recommendation on the case prior to reinstatement of visitation to protect the best interests, the safety and well-being of Dominick May-Douglass under RCW 26.09.191(3) which directs the Court to protect the safety, well being and interests of the child. The only extraordinary aspects of this case are Petitioner's adamant refusal to comply with the Court's orders, Petitioner's litigiousness in returning repeatedly to Court with the same demands, and the damage to my family that this litigation has caused.

6. Petitioner's Petition for a Writ of Certiorari from the United States Supreme Court does not meet the criteria for acceptance of review under United States Supreme Court Rule 10. A Writ of Certiorari will be granted only for compelling reasons. Applicable standards to this case would be Rule 10 (b) and (c), addressing state courts of last resort rulings in conflict with other courts of last resort or a U.S. Court of Appeals on an important federal question or decides an important federal question that should be decided by the U.S. Supreme Court. Petitioner's Petition for a Writ of Certiorari fails on all standards. Petitioner has not lost parental rights without notice. Petitioner has all constitutional rights. Petitioner refuses to pay his share ($1,500) of the GAL retainer and refuses to advance the Respondent's share of the GAL retainer (also $1,500), which is to be credited to Petitioner's

child support arrears of over $10,000. Petitioner willfully refuses to cooperate with the GAL so that she may review the case and prepare a report for the King County Superior Court of the State of Washington to review. The Courts of the State of Washington have not entered any rulings in this case on important federal questions that are in conflict with other states courts of last resort, U.S. Court of Appeals or U.S. Supreme Court.

CONCLUSION

I, Desiree Luana Douglass respectfully request that the Supreme Court of the United States grant the following relief:

1. Deny Petition for Writ of Certiorari
2. Impose sanctions on the Petitioner and Grant legal fees and costs to the Respondent for the amount of $693.00 for fees to format, copy, mail and file this response.

DESIRÉE L. DOUGLASS, Respondent

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

DESIREE LUANA DOUGLASS Natural Mother Petitioner and DOMINICK EMIL MAY-DOUGLASS Child, Vs. ROBERT JOSEPH MAY Father, Respondent.	Case No.: NO. 94-5-03704-9-SEA ORDER APPOINTING GUARDIAN AD LITEM/ ~~INVESTIGATOR~~/~~LAWYER~~ ON BEHALF OF MINOR **(ORAPGL)**

I. BASIS

1.1 CHILDREN TO WHOM THE ORDER APPLIES.

The court appointed a guardian ad litem at the request of the mother, and after a trial in this action and an Order Appointing Guardian Ad Litem was entered on September 19, 1995 and again entered orders maintaining the appointment of a Guardian ad Litem on 1/14/97, 1/28/00, and 6/30/00 as guardian ad litem for the following minor child in this action[, and order denying relief to father, dismissing petition and referring matter to commissioner for appointment of new GAL dated 11/14/00: /s/ NBJ]

Name	Birthdate
Dominick Emil May-Douglass	June 22, 1993

1.2 BASIS FOR THE APPOINTMENT

This appointment is being made pursuant to RCW 26.26 Parentage Act and Pursuant to the court's authority as set out in RCW 26.12.

II. FINDINGS

After reviewing the case record to date and the basis for the motion, the Court FINDS that the motion should be granted to maintain an appointment of a guardian ad litem until age 12 because of the serious nature of the allegations which, if true, could have harmful consequences for the parties' minor child.

The court found at paragraph 2.2 of the Parent Plan, Final Order that

> "The father's conduct may have an adverse effect on the child's best interest because of the following factors which follow: The abusive use of conflict and intimidation by the parent which creates the danger of serious damage to the child's psychological development. This factor serves as a current basis for restrictions with respect to decision making and dispute resolution and serve to limit the frequency of exchanges of residential care."

III. ORDER

IT IS ORDERED THAT:

3.1 APPOINTMENT OF GUARDIAN AD LITEM/ INVESTIGATOR/LAWYER.

[Renee Ewalt /s/ NBJ] is appointed as guardian ad litem for the following minor child of the parties:

Dominick Emil May-Douglass

3.2 DUTIES OF THE GUARDIAN AD LITEM/INVESTIGATOR/LAWYER.

The undersigned guardian ad litem agrees to this appointment, understands the nature of this action and accepts the following responsibilities:

a) To protect the legal interests of the minor child through the age of 12 with respect to any issues that arise pertaining to the parent plan; and

b) To explain to the minor child all documents and correspondence regarding this parentage action in the event of court activity; and

c) To comply with all court orders and to attend all meetings and court hearings pertaining to the residential schedule that are scheduled in this matter.

For the purpose of the present dispute and in the event of further disputes in the future pertaining to the parent plan for this minor child and/ or prior to any changes being made in the residential schedule [t /s/ NBJ]he guardian ad litem shall:

a. have access to all Superior Court files and all Juvenile Court files, including any sealed/confidential portions thereof. The clerk of the court shall provide certified copies of this order to the guardian ad litem upon request and without charge:

b. be entitled to notice of all court proceedings;

c. have access to the minor child and information about the child. Each party and their counsel shall cooperate fully in providing access to the guardian ad litem and in providing all requested information;

d. have access to all school, medical, therapy and counseling records and information, whether written or oral, regarding this child, if the child is under the age of 12. These records shall be released directly to the guardian ad litem upon presentation of a copy of this Order either in person or by mail. The guardian ad litem shall have access to the medical, therapy and counseling records of the parents only if there is an allegation of sexual abuse of the child or neglect and there is a separate court order allowing such access;

e. have access to all Child Protection Services and Department of Social and Health Services records regarding these parties and their child without further written release by either parent upon presentation of this Order to these agencies. However, these agencies may blackout names and identification of such individuals who are protected by law or agency policy as confidential sources. If it is determined by the agency that release of this information is likely to cause sever psychological or physical harm to the juvenile or his or her parents, the agency may withhold the information subject to other orders of the court. CPS, DSHS, and alcohol and substance abuse treatment personnel are authorized to speak personally with the guardian ad litem;

f. have access to all TIEPINS and police reports regarding these parties and their child. Written copies of these items shall be released to the guardian ad litem upon request by the applicable and relevant Law enforcement agencies including but not limited to [/s/ NBJ] <u>all</u>.

However, these agencies may black out names and identification of such individuals who are protected by laws or agency policy as confidential sources;

3.3 OTHER DUTIES.

The guardian ad litem shall:

a. maintain any information received as confidential and shall not disclose said information except in oral or written reports to the court, the parties and their counsel; and

b. appear at all court hearings and pretrial conferences where the residential care of the child is at issue unless excused by the court;

c. make recommendations to the parties and to the court regarding issues that arise pursuant to the Parent Plan, Final Order or any other orders entered by the court regarding the residential care of the minor child;

d. assist the parties and counsel in reaching a resolution of the matters involving said child. If resolution is reached, the guardian ad litem shall assist counsel in drafting a proposal for presentation to the court for approval along with the guardian ad litem report.

3.4 PAYMENT OF FEES AND COSTS.

The fees and costs of the guardian ad litem shall be paid as follows:

Pursuant to the Judgment and Order Determining Parentage dated September 27, 1995 at page 4, paragraph 3.7.c. which permits the court to allocate responsibility for payment of any fees and costs charged by the guardian ad litem, beyond $400.00 combined advanced retainer paid by the parties

after considering for what reason the fees and costs were incurred, whether one parties conduct or request was the basis for the fees being incurred, or any other factors the court deems relevant.

Additionally pursuant to the court's order dated May 19, 1997 which found in a contempt proceeding resulting in the suspension of visitation and therefore the need for an investigation and review by the G.A.L., that the advance of the then appointed Guardian ad litem was $1800.00 and that the Father had failed to pay child support which further disadvantaged the mother's, and required the Father to pay the mother's one half share of her guardian ad litem fees, which payments would then be credited against the father's child support arrears.

And additionally pursuant to the order dated June 30, 2000 appointing Joan Ward and requiring the parties to pay fees and retainers according to prior orders.

The court finds based on the record before it that the advance retainer of in the amount of [NBJ] $3,000.00 is reasonable[, as previously ordered), based on the issues and complexity of the case.]

Per the court's order of May 19, 1997, the father shall be responsible for 50% of the advance retainer and the mother shall be responsible for 50% of the advance retainer. However, the father shall pay the mother's share of G.A.L. retainer fees, her share of the retainer shall be deducted from child support arrears.

Robert May is responsible for registering with the Oregon State Support Registry (or equivalent agency in state of residence) in order to formalize the credit.

The total amount of Guardian ad litem fees awarded shall be at the discretion of the court after the guardian ad litem files an itemized statement of time with the court, along with a specific request for fees and a proposed Order.

3.5 CONSENT OF CHILDREN OVER TWELVE TO INVESTIGATION.

[x] Does not apply.

3.6 AUTHORIZATION FOR RELEASE OF INFORMATION.

Each party's signature hereunder constitutes an authorization for release of information by that party. [/s/ NBJ Signatures are waived as this order was signed in chambers.]

3.7 OTHER: TERMINATION OF APPOINTMENT

This appointment shall terminate ~~upon the~~ [/s/ NBJ the sooner of] Dominick Emil May-Douglass reaching the age of 12 years[/s/ NBJ or further court order entered with notice to the parties and GAL, and an opportunity to be heard.]

OTHER: INVESTIGATION AND REPORT REGARDING THE RESIDENTIAL ISSUES IN DISPUTE AND PRESENTLY BEFORE THE COURT

To assist the court with entry of a court order in the best interest of the minor child regarding the residential issues presently before the court, the guardian ad litem shall investigate and make a full and complete written report to the court and counsel/ parties within 60 days of receiving an advance retainer or 120 days from the date of entry of this order, whichever is later, provided that an extension may be granted by the court. This report shall include recommendations regarding the residential

issues that are in dispute and presently before the court and basis for those recommendations.

2/27/01 1:25 PM
Dated: ~~2/23/01 4:00 PM~~
in chambers

/s/ Nancy Bradburn Johnson
~~Judge~~/
Commissioner

Presented by:

Andrekita Silva,
WSBA 17314
DATE:
ACCEPTED UPON
APPROVAL BY
THE COURT

Approved for entry:
Notice of presentation
waived:

Robert J. May,
Father Pro Se

Guardian Ad Litem
DATE: